

REMARKS

In response to the Office Action mailed 14 November 2006, the Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the above amendments and the following comments.

In the Office Action, claims 1-48 were rejected. Claims 1, 20, 24 and 45 have been amended. These amendments are made to more particularly point out and specify the claimed subject matter. Reconsideration and allowance of all pending claims are respectfully requested.

Rejection of Claims under 35 U.S.C. §102(e)

The Examiner has rejected independent Claims 1, 20, 24 and 45, as well as Claims 2-4, 6-11, 13-23, 25-27, 29-34, 36-41, 43-44, and 46-48 that depend from these independent Claims, as being anticipated by U.S. Patent no. 6,233,566 to Levine et al. (hereinafter "Levine"). The Applicant has amended independent Claims 1, 20, 24 and 45 to more clearly define and recite the subject matter the Applicant claims as his invention.

In particular, the Applicant notes that Claims 1 and 20 now recite, in part: "a financing solicitation module connected to the processor for subdividing the loan into a plurality of subscriptions when the first status of the loan has been determined and soliciting a plurality of investors to each fill at least one of the subscriptions to secure financing for the full value of the loan from the plurality of investors". As can be seen from the language of the amended Claims 1 and 20, financing for the loan is not solicited merely by offering to sell the entire loan to an investor; rather the loan is subdivided so that it can be sold in pieces to multiple investors, each of which can choose to carry as much or as little of the financing for the loan as they desire, based upon the finance terms that have already been determined for the loan.

Such a feature of subdividing a loan for financing is not found in the Levine reference. In fact, the Levine reference is concerned primarily with the aggregating of multiple individual loans, separately made, into pools of loans that can then be offered to

investors in bulk. This is contrary to the teachings of the current application, which teaches a way for a single loan to be subdivided, rather than pooled with other loans.

Similar to the modifications to Claims 1 and 20, Claims 24 and 45 now recite steps of “subdividing the full value of the loan into a plurality of subscriptions”, and “soliciting a plurality of investors to each fill at least one of the subscriptions until subscriptions equal to the full value of the loan are filled”. In addition, Claim 24 also recites “managing repayment of the loan to each of the inventors”.

Such features are not found or suggested in Levine. As noted above, because the system and methods taught in Levine are concerned with the pooling of loans for sale in bulk, such steps of subdividing a loan into subscriptions would run contrary to the teachings of Levine. In addition, because each loan is sold in its entirety, there is no need to mediate the process of payment from the borrower to a plurality of investors.

Because the system and methods described in Levine do not include every element recited in the amended independent claims, the Applicant submits that the rejection under §102 of Claims 1, 20, 24 and 45 is inapplicable to these Claims as amended. Because each of the rejected dependent claims also include the limitations recited in the independent claims, the Applicant submits that the rejection under §102 of those dependent claims which depend from Claims 1, 20, 24 and 45 is also inapplicable to the claim set as amended. The Applicant therefore requests that the Examiner withdraw the rejection of Claims 1-4, 6-11, 13-27, 29-34, 36-41 and 43-48 under §102 and pass these claims to allowance.

Rejection of Claims under 35 U.S.C. §103

The Examiner has rejected Claims 5, 12, 28, 35 and 42 as being unpatentable over Levine under 35 U.S.C. §103. The Applicant respectfully traverses this rejection as applied to the amended claim set, as discussed below.

The Applicant notes that each of Claims 5, 12, 28, 35 and 42 depend from one of independent Claims 1, 20 or 24, which have been amended as discussed above. On the basis of the elements recited in these independent claims (discussed above), each of the

rejected dependent claims includes elements that are not taught or suggested by the Levine reference. On that basis, the Applicant submits that the rejection of these claims is inapplicable in light of the amendment of the independent claims from which they depend.

The Applicant therefore requests that the Examiner withdraw the rejection of these claims under §103 and pass these claims to allowance.

Conclusion

In view of the remarks and amendments set forth above, Applicant submits that all pending claims are now in a condition for allowance, and respectfully request allowance of the pending claim set. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/ Richard A. DeCristofaro /

Attorney for Applicants
Registration No. 51,601

Telephone: (518) 387-5832

Schenectady, New York

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Date